

**BEFORE THE WATER QUALITY APPEALS BOARD
DEPARTMENT OF ADMINISTRATION
IN AND FOR THE STATE OF ARIZONA**

Arizona Mining Reform Coalition,
Concerned Citizens and Retired Miners
Coalition; Save Tonto National Forest,

Appellants,

Vs.,

State of Arizona, Arizona Department of
Environmental Quality

Respondent.

Resolution Copper Mining, LLC,

Intervenor.

CASE NO. 17-001

**WATER QUALITY APPEALS BOARD
ORDER**

San Carlos Apache Tribe,

Appellant,

Vs.,

State of Arizona, Arizona Department of
Environmental Quality

Respondent.

Resolution Copper Mining, LLC

Intervenor.

The Board having received and considered the Joint Statements filed by the parties pursuant to the Board's Order filed November 08, 2018,

IT IS ORDERED affirming the previous order remanding this matter to the ADEQ for the purpose of conducting a new source analysis as required by 40 C.F.R. Section 122.29(b).

IT IS FURTHER ORDERED that ADEQ shall begin work on the new source analysis as soon as practicable.

IT IS FURTHER ORDERED that, when the analysis is complete, ADEQ shall submit the written analysis and necessary supporting information to the Board.

IT IS FURTHER ORDERED that, in conducting the analysis, the ADEQ is permitted to disregard the following Findings of Fact reflected in the Administrative Law Judge's Decision filed October 15, 2018: Nos. 98 through 120, inclusive.

IT IS FURTHER ORDERED that, in conducting the analysis, the ADEQ is permitted to disregard the following Conclusions of Law reflected in the Decision identified above: Nos. 19 through 34, inclusive, and No. 68.

Other Issues

As to all other issues raised in the Notices of Appeal, Appellants did not establish that the Department's actions were arbitrary, unreasonable, unlawful, or based upon technical judgment that is clearly invalid.

Notice of Rehearing and Appeal Rights

Any party may move for a rehearing or review of this Order. Pursuant to A.R.S. § 41-1092.09 and A.A.C. R2-17-126, the motions must be filed with the Board within thirty-five (35) days from the date of mailing if the Order was served via certified mail. The petition must set forth legally sufficient reasons for granting the rehearing or review. The filing of a petition for rehearing or review is not required to preserve any rights of appeal to Superior Court that the party may wish to pursue.

DATED this 19th day of November, 2018.

WATER QUALITY APPEALS BOARD



Fred E. Brinker

A copy of the foregoing was mailed via U.S. Mail
this 19th day of November, 2018

WATER QUALITY APPEALS BOARD:

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A copy of the foregoing was mailed via inter-agency mail
This 19th day of November, 2018

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A handwritten signature in cursive script that reads "Connie Castillo". The signature is written in dark ink and is positioned above a horizontal line.

By: Connie Castillo
Clerk, Water Quality Appeals Board